



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Cottingham *et al.*
Appl. No.: 10/024,597
Filed: December 21, 2001
For: Fusion Proteins Incorporating Lysozyme

Confirmation No.: 2450
Art Unit: 1632
Examiner: Priebe, Scott David
Atty. Docket: 0623.0730002/BJD/SJE

Reply to Restriction Requirement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action dated October 21, 2003, requesting an election of one invention to prosecute in the above-referenced patent application, Applicants hereby provisionally elect to prosecute the invention of Group XVIII, represented by claims 28 and 29, drawn to a transgenic non-human mammal whose genome comprises DNA encoding a fusion protein comprising lysozyme, classified in class 800, subclass 14. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed.

This election is made with traverse. The Examiner states on page 4 of the Office Action that groups I-VIII are related to group XVIII. Further, claim 7, corresponding to groups I-VIII, is classified within the same class as claims 28 and 29 (group XVIII). Hence, a search for art relevant to the elected invention should also find art relevant to groups I through VIII. Accordingly, Applicants believe that it will not create an undue burden on the Examiner to examine claims in groups I-VIII with those in group XVIII.

Reconsideration and rejoinder of the claims of groups I-VIII with those of group XVIII, and examination of these claims together, are respectfully requested.

Furthermore, Applicants respectfully contend that groups IX-XVII are sufficiently related to group XVIII, and to groups I-VIII, such that examination of the claims of these groups together would not create an undue burden on the Examiner. Hence, reconsideration and withdrawal of the restriction requirement, and examination of all pending claims together, are respectfully requested.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

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